

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONALD N. KIRKWOOD,

Plaintiff,

v.

Case No. 06-C-153

WALI K SHAKOOR, et al.,

Defendant.

ORDER

The plaintiff is a state prisoner proceeding pro se. He originally filed six complaints against state officials. In a screening order dated March 9, I allowed only one of his cases to proceed. That case alleged deliberate indifference against Wali Shakoor, a prison nurse.

The defendant has now moved to dismiss this claim on the basis that the plaintiff has not exhausted his administrative remedies, a requirement under 42 U.S.C. § 1997e(a). The plaintiff has not responded to the motion. Although the plaintiff did file a prison complaint on the issue raised by his federal complaint, he did not appeal the prison's decision, a fact about which I may take judicial notice.

Because he failed to file an appeal, he failed to exhaust the administrative remedies the state has provided for him. The complaint is therefore dismissed. *Pozo v. McCaughtry*, 286 F.3d 1022, 1025 (7th Cir. 2002) ("To exhaust remedies, a prisoner must file complaints and appeals in the place, and at the time, the prison's administrative rules require. Pozo filed a timely and sufficient

complaint but did not file a timely appeal. He therefore failed to exhaust his administrative remedies, and his federal suit must be dismissed.”)

THEREFORE, IT IS ORDERED that the defendant’s motion to dismiss is **GRANTED** and this case is **DISMISSED**.

Dated this 15th day of June, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge